DISTRICT III ADVISORY BOARD

MINUTES

Wednesday, September 4, 2002 7:00 p.m. Colvin Neighborhood City Hall, 2820 S. Roosevelt

Members Present

Members Absent
Phil Bloomquist

Chantelle Brennen

Phyllis Hall

Gene Fuhr

Jim Gulick

Judy Dillard

Matt Foley

John Kemp

Lois Ann Newman

Bill Ward

Council Member Phil Lambke

Staff

Vicki Mork

ORDER OF BUSINESS

Call to Order

Council Member Phil Lambke called the meeting to order at 7:14 pm.

Approval of Minutes

Approval of both June and August Minutes were requested, as the June Minutes were not presented at the August DAB Meeting. (No July minutes are available as there was not a quorum present at the meeting)

Action: Motion was made to approve June and August Minutes. Passed 9-0

Committee Reports

Council Member Lambke entertained a motion to change the order of agenda and allow the report of the City Council Redistricting Committee to present first. It passed unanimously. 9-0 Dillard(Foley)

1. Jeanne Goodwin, Special Projects Director for the City of Wichita introduced Jack Focht, chair of the City Council Redistricting Committee and CM Lambke's appointment to the committee, Matt Foley. Mr. Focht said he had been the chair of this same committee the last time and explained the council districts are redrawn every ten years in conjunction with the census data. The changes in Wichita's population growth are most notable in the rapidly growing East and West areas of town. Changes to District III are minimal because the area

is bounded by McConnell, AFB and isn't able to grow out further at the edges of town. District I has the same problem it is landlocked by Kechi and Bel Air. District III has a population of 51,000 and changes are proposed to equalize existing population inequities by adding Precints 207, 208, 211, and 424. The audience and the DAB members offered few comments but the consensus was the plan looked good and was supported by all.

Recommended Action: Accept plan and recommend adoption by City Council.

2. Police Reports -- Officer Miller reported few burglaries and clean up in the future. Officer Diehl working on the crime free hotel/motel program. Officer Crouch mentioned he has 2 weeks left as Community Police Officer for the Planeview area. He is completing work on a year long survey of the 10 most important issues. Crime rates have dropped in the area of property crimes and vandalism. Officer Andres had no report at the time.

Recommended Action: Receive and file information.

Public Agenda

3. Off Agenda Items: Richard Hill of 4555 Laura provided positive feedback on prompt police response to his call.

Public Works

4. Carl Gipson, Special Project Engineer presented information regarding the grade separation project for the Union Pacific Track Crossing at Mead and Pawnee. He gave a brief synopsis regarding proposed change to the track crossing. He said this is the busiest crossing in town based on the number of trains that use the tracks and the number of cars that cross the tracks. Carl asked that the questions be divided up into project questions, which he would answer, and property acquisition questions which John Philbrick, Property Management Director for the City would answer.

He explained that unfortunately the project has not reached the point where answers are available to many of the questions District III residents living near the project may have. A shoe-fly track or a detour track will be constructed on the east side of the existing train track and will probably impact nearby properties, at this time the extent of that impact is unknown but he did say generally that the property owners will either be given compensation for the use of their property or the properties would be purchased. To date it is known that five houses need to be removed due to the project and those property owners have been contacted and offers have been made. Many of the delays of the project are due to the cumbersome bureaucracy of the railroads and their lack of responsiveness.

DAB member Mat Foley asked if the City's Capitol Improvement Budget included sufficient funding for both this project and the Central Corridor railway project. **Carl** responded that at this time there was enough money for both projects but more would be revealed as the projects unfold.

John Goehring, 2715 S. Santa Fe was concerned about continued access to his garage, which he reaches through a dirt road off of Wassall. Carl replied that the detour may affect his access and it depends if he has legal right to use the road. Richard Hill, owner of 2553 S. Mead complained that as a property owner who did not live at this address that he had never been informed by the city about anything. He was told that many public meetings had been held regarding the proposed project. Another audience member asked if the project was tied to improvements at the Pawnee and Washington intersection. He was told that those improvements would be done at the same time but they were two separate projects.

Mr. Van Dyke asked why the railroad didn't build the detour track to the west of the existing track. **Mr. Gipson** replied that wouldn't work, as the curve of the railroad track wouldn't permit it. **Angie McMurry, 2569 S. Mead**, asked if other proposals were being considered for design. **Carl Gipson** responded saying at the inception of the project the railroad and the City hired a consultant who did a study and the result was to improve corridor as it is. As the project design unfolds they are still evaluating possibility of retaining walls along with cost, impact, etc.

Randy Williams 2541 S Mead wanted to know how they could get the railroad in here to answer the neighbor's questions. Unfortunately, Carl Gipson wasn't very encouraging about that possibility he stated the railroads are large, for-profit corporations that feel little obligation to respond to citizens. Carolyn Preston, 2557 S Mead asked if "right of way" from her yard used for this project would refer back to her or not, Carl replied it would depend upon the conditions for using the property. Richard Hill expressed concern about water run off from a bank that may be built as part of the project but Carl responded that project was required to avoid this type of result.

Brian Williams, 2675 S. Santa Fe asked about the state of the plans for this project and **Carl** responded that engineers designing this project build on a piece of information at a time. That unfortunately specific information regarding where the right of way would end up in the new design is not known at this time which makes it difficult to respond to audience questions. It is not known when this information will be available. **Carolyn Preston 2557 S. Mead,** wonders if the right of way used for building the detour would refer back to her or not. **Carl** says it depends upon whether the land is leased or purchased from her. **Jason 2569 S. Mead,** asked about elevation of detour tracks and was told they will be the height of the existing tracks. **Carl** closed his remarks saying the construction phase of this project would last between 18-24 months.

John Philbrick, Property Management Director for the City was introduced and he stated he would try to answer right of way and property acquisition questions. The City does not yet know what additional right of way acquisitions may need to be made. As it has been explained the complete design isn't available yet. More will be revealed and estimates are that a 40-50ft strip further east of existing right-of-way will be used will affect some properties more than others. The exact placement of the r-o-w line has not been fully determined at this time.

John generally explained the property acquisition process the City follows when property is purchased. First the property is appraised and then an offer is made based on that information and the settlement is negotiated from there.

Angie McMurry wondered about legal length of time for notification prior to construction and **John** replied that there wasn't a requirement, but as property is identified as being impacted by the project the City wants to notify the property owner right away.

Brad Gillock was concerned about the property behind him. **John** explained that house has been identified as one to be removed and they have initiated the process to purchase it and 4 others. As other properties are identified owners will be notified. **Mark Goehring 2715 Santa Fe,** asked if the railroad right-of-way extended 50 ft on either side of the track but he was told that is not the case.

Chandra Carter 2745 Mead, is concerned about the closeness of the train to her home and asked if once the project gets designed would she be notified before the project begins. She was assured that would happen. Brenda Dome-Luff of 4654 S. Washington asked if the project was just to make access easier to Wal-Mart and she was told that it was designed to improve the safety of the dangerous crossing.

Randy Williams stated he was starting to see red flags as he was at earlier meeting with design drawings and maps etc. but everything seems to be different now, **Carl** replied the changes are due to the railroad. **Randy** asked how to get the railroad here to a meeting to answer some questions but **Carl** said they are not likely to cooperate and didn't hold out much hope they would respond to a citizen request.

Charlene May asked about structures that might be affected by temporary easements, she was told property owners would be compensated for them if the had to be removed for the project.

Judy Dillard DAB Member, asked if the City hadn't brought this up would the railroad be interested in this project? **Carl** replied that the earlier merger called for the railroad to contribute \$16 million to safety projects and the City advanced the project.

Mark Goehring asked the final question, if the railroad takes a city street does the City have to put in another street and Carl informed him there were a lot of variables that would need to be considered so without an actual situation it is difficult to say with certainty at this time. **Carl Gipson** completed his presentation by inviting the audience members to call him at 268-4505 with any concerns they may have.

Recommended Action: Receive and file information.

Public Agenda

5. Wesley Provines 1601 E 45th St. South, was asked to make his presentation. He tried to defer to the builder and the City however, Councilman Lambke asked him to go ahead and state his concerns. Mr. Provines began that he has lived in the area for 48 years and likes the

open space. He had heard about the proposed development of Hidden Glen by Jay Russell and he received a copy of the Platt from the Planning Department. He is not happy with the proposed development. The area is platted into 78 lots when compared to the existing neighborhood 30 homes occupy the same area. One of his biggest concerns for the planned development is that he doesn't want to look at back yards of new houses that would be built across the street. He inferred that rules were being stretched. His lot is 116 foot wide and neighboring lots are similar in size. He said he probably shouldn't get into this, but the proposed houses are to be 900-1000 square feet, 2 bedrooms, 1 bathroom and no basement. He feels the area could become another Oaklawn in a few years. Concerning the view of the back yards of these new houses he suggested that if anyone in the Planning Department lived where he does then the proposal wouldn't have passed. Mr. Provines suggest the lot sizes be increased. Mr. Provines feels this proposed development would adversely impact property values within the area.

District Advisory Board Member Gene Fuhr asked Mr. Provines exactly what he wanted from DAB. **Mr. Provines** replied he wanted DAB III to deny the development. He doesn't want his neighborhood taken advantage of. However, this matter has been brought to DAB as a public agenda item, it is not a planning case. DAB member **Matt Foley** asked if Jay Russell was the same developer that built homes around the Cowskin Creek area.

Developer Jay Russell says this project is on hold pending further discussion of the situation and development of a plan more agreeable to the neighbors. He stated that this particular proposal was well within the City's Comprehensive Zoning Plan, which reflects citizen input and supports infill building. As far as he is concerned he would rather build around the edge of the City as it is less trouble.

Mr. Russell explained this is the second infill project he's done. His first one encountered much less resistance. He proposed the layout of the development to focus inward because as the developer he's required to pave all the roads that the new houses face. With the existing lots in the neighborhood so large, the assessment on Mr. Provines property would be around \$7,000 for his share of the road cost which he's unwilling to do. This cost would be passed on to all of the homeowners on neighboring streets. **Councilman Lambke** advised Mr. Russell to abandon paving the road and to find a way to go ahead with infill building. He says that if the homes back up to 45th St then that road won't have to be paved.

Mr. Russell stated that the proposed development of 50 foot lots results in specials of \$90 per month which is what consumers are willing to pay. If the sizes of lots are doubled then the specials double to \$180 per house, which in his estimation exceeds the amount consumers, are willing to pay for specials. **Mr. Russell** reiterated his position as a businessman and he is trying to make money on the project. He asked for direction from the City Council and says if the city wants to promote infill building they may need to make some special considerations.

DAB member Gene Fuhr asked what would be wrong with developing houses like what exists already in the neighborhood. **Jay Russell** replied consumers prefer the larger houses to be in the completely new developments at the edge of town that have all paved streets.

At this point audience members who obviously opposed the proposed development began asking questions, many of which were somewhat contentious. **Tom Swartz 1407 E. 43rd St S.**, said he thought the property was originally platted for something else. He objects to the increased traffic that would result from this development and says it's going to be another Oaklawn. He also feels like Mr. Russell could build bigger houses with basements. He doesn't want to look out on this proposed development.

James Earl 4630 S. Washington said he moved in 30 years ago and thought ½ acre lots were guaranteed for 99 years. **Jay Russell** said many changes have been made in the way Wichita is zoned since then. He further stated when he bought the property it had never been platted and had no restrictions. But he says he wants to develop the area in a way the neighbors will accept.

Tom Kessler 4449 S. Washington Ct. said he thought the discussion could last 'til midnight but wanted to know if the project was really on hold. **Jay** replied he is working with the City and it won't move forward until he works something out with the residents. Residents wanted to know how they would know when the project is ready to go forward. **Council member Lambke** said there is a movement a foot to pave all the roads in the area.

Glen Kurtz 4445 S. Laura, argued that infill building can be done profitably. He wondered when is dirt going to stop coming in there and feels this will affect his drainage. Mr. Russell assured him that drainage would not be an issue for his property. **Shirley Gray 1205 E 45**th **St.** suggested that a new school built there. But she was informed that White Elementary is being enlarged. Another neighbor, **Richard Hill** expressed concerns about drainage and increased traffic for the area. He also objects to the price of the new homes proposed.

Teresa Smith 4500 S. Ida, said she begs to differ with the developers proposal for building in the \$70,000 –80,000 price range and encouraged him to build larger homes which she believes will sell.

DAB member Judy Dillard said she had been involved in neighborhood issues and that successful infill requires cooperation with the neighbors. She cited the development of Envisions' factory near south Palisade with no objections from the surrounding neighborhood. She said all too often developers just come roaring in without cooperation with neighborhood organizations. Too many developers only deal with MAPC and don't work with neighborhoods. She stated she thought the proposal was out of character and that larger lots would sell.

Council member Lambke thanked Jay for appearing at the DAB meeting.

Office of Central Inspection

6. Deb Legge, Neighborhood Inspector Supervisor for the Office of Central Inspection, referring to her handouts she gave updates on department activities such as board ups and condemnations. She mentioned the department has 700 more cases of graffiti year to date. New neighborhood nuisance code expands enforcement to the Wichita Fire Department, Wichita Police Department and Environmental Health under new name of Title VIII. The

new program has been implemented incrementally. Final training for her staff is scheduled for Friday.

DAB member Matt Foley asked if OCI inspectors be able to write up many types of cases? Deb said that due to these changes her staff can begin the case, issue the notice and start an abatement case. She hopes the new procedures will assist staff in performing their jobs more efficiently. She is planning to present an update of the enhanced program enforcement to the DAB's in a few months. Another DAB member, John Kemp asked if joint enforcement was happening already and Deb explained that it was and currently Environmental Health was being trained on the computer program Tidemark. In response to Matt Foley's question she explained Tidemark offers many ways to search the records. She reminded everyone that the issue of out of state landlords continues to be a real enforcement challenge for OCI as if they can't get them into the court system it prevents OCI from enforcing the laws.

Mike Brincefield 4730 S. Ida asked if housing violations that involved OCI and SRS resulting in the removal of children from the home was OCI ever involved in helping return the children to the home. Deb replied it is out of their jurisdiction. Mike is concerned about constitutional rights and wanted to debate her, which was not appropriate for this meeting. H L Boyles 3655 S. Craig has a problem with a person who owns 6 cars. Deb took down the information and said a neighborhood inspector would follow up.

Recommended Action: Receive and file information.

Planning Agenda

7. CON2002-37 Amend CU-425 to extend the time during which construction and demolition waste may be deposited in the existing C&D landfill.

Dale Miller, MAPD began his presentation explaining that in 1997 a Construction and Demolition waste landfill at 31st Street South was approved by MAPC on a conditional use with 18 conditions. Under the current terms construction and demolition waste can not be deposited at this site beyond April 1, 2003. The applicant is asking that the permit be extended until December 21, 2010. The land is owned by the City of Wichita and is leased for operation of the C & D landfill. Staff recommends denial of the permit extension as KDHE prohibits locating landfills within ½ mile of a navigable river, which applies in the instance.

DAB member James Gulick questioned the capacity of the C & D landfill and Ron Cornejo, the operator explained the landfill is 50% full and he is requesting an extension of the permit until 2010 as available debris has been reduced due to the opening of other C & D landfills. **Melody Stucky, President of South City Community Association** requested additional screening or beautification of the site if permit extension is approved.

Attorney for the applicant, RR Kaplan protested the MAPD's recommended denial of the permit due to the consideration of the Arkansas River as a navigable river, **DAB member**

James Gulick objected to the distinction saying it was not acceptable to pollute non-navigable rivers either. **Attorney Kaplan** countered saying the assumption is that the landfill is polluting the river but they aren't.

DAB member John Kemp stated his main concern is the pollution of health for nearby residents as a result of the dust raised by the C & D landfill operation. The situation is forcing him to vote no against the extension of the permit. He says there are problems with the operation of the C & D landfill and that the roads are to be sprinkled with water several times a day to hold down the dust but it's not happening. Trash also blows into surrounding neighborhoods.

DAB member Bill Ward asked planning staff how far out from the C &D landfill did the sphere of influence extend concerning the right to protest by affected neighbors. He stated if it's only 200 feet then nobody lives close enough to be part of a formal protest petition drive, which could force the City Council to approve permit extension through a "Super Majority Vote". **John Kemp** said he collected over 500 signatures on a protest petition prior to the establishment of the C & D landfill and rock crusher operation next to the landfill in 1997, however it did no good.

Neighbor Bob Kuen stated rather emotionally that he felt like lead paint from old construction was being deposited into the pit at the C & D landfill, which put the polluting substance very close to the water table. **Elena Engle** said she had been active on the CPO board when this permit was originally approved and asked if the C& D landfill was in compliance with the conditions established at that time. **Dale Miller** replied the facility was in compliance at this time. **Ron Cornejo** also replied listing the various city, county, and KDHE inspections that his operation is subject to.

Attorney Kaplan concluded his remarks saying he wanted everyone to think about what was going to happen to the site and the plan for the park, if the permit extension is denied then the land will not be filled up and it will probably not be possible to construct Linear Park as originally envisioned by the City of Wichita. The hour was late and the discussion wound down.

Recommended Action: Receive information and provide comment. DAB member Judy Dillard moved that DAB III deny the requested permit extension, Phyllis Hall seconded it. Council Member Phil Lambke chose not to call the question to a vote and as a result no formal vote was taken.

8. <u>HPC2002-00085 Historic Landmark Designation for house located at 3333 S. Broadway.</u>

Dale Miller, MAPD began the presentation by explaining the request for designation of the house at 3333 S. Broadway as a Wichita Historic Landmark. The owners believe the property is significant because it was the first house built south of the Arkansas River in Sedgwick County. Granting this property status as a historical landmark would have no

impact on surrounding property. **DAB member Lois Ann Newman** asked if the board should vote on the issue and **Council Member Lambke** replied he didn't see the point.

Action Taken: Receive information and provide comment. Newman (Dillard) moved that they approved the historical designation of 3333 S. Broadway. The motion carried 8-0.

9. David Nguyen Transportation Planner, is seeking approval for bike path project for year 2004-05 as part of State of Kansas Transportation Plan. There are four projects, three are being resubmitted and there is one new one. The newest project involves the abandoned railroad tracks just to the west of City Hall. All bicycle projects depend on the renewal of the State Transportation Plan. The City will receive notification form the State next April, and is seeking support and would like to attach our minutes. The Planning Department had to be selective so they focused on existing projects, and didn't emphasize Garvey Park for additional bike path as it does not connect to anything else at this time.

Action taken: Motion for approval made by Ward (Fuhr) and passed unanimously 8-0.

There being no further business to bring before the DAB a motion was made to adjourn.

Action Taken: Motion made by Foley (Gulick) to adjourn at 10:15 pm. Meeting adjourned.

Visitors				
Floyd & Marg	?	2709 S Santa Fe	Wichita	
Henry & Edith	Alcaraz	4733 S Hydraulic	Wichita	
Ruth	Arck	1640 Fernwood	Wichita	
Sharon L	Askew	4320 E Boston	Wichita	67218
Bill & Goldie	Barnes	2707 S Hillside	Wichita	
Norma	Blake	3234 Butler	Wichita	
Vel	Boalmann	4631 Victoria	Wichita	
Clinton E	Bolay	1600 E 46th St. S	Wichita	
Barbara	Boyles	3516 Craig	Wichita	
ΗL	Boyles	3516 Craig	Wichita	
Michael E	Brincefield	4730 S Ida	Wichita	
Grace D	Brincefield	4730 S Ida	Wichita	
Mary	Broker	2503 S Mead	Wichita	67216
Donna	Brown	4550 Laura	Wichita	67216
Don	C	4404 S Washington	Wichita	
Jan	Chatman	Park & Rec	Wichita	
Wallace	Clark	2615 S Santa Fe	Wichita	67216
Charles	Clark	4418 S Washington	Wichita	67216
Gary	Coopers	1629 E 45th St South	Wichita	
Ray & Berdall	Cubbon	2817 S Santa Fe	Wichita	67216
Daniel	Davis	4644 S Ellis	Wichita	

Willa	Decatro	4515 Pattie	Wichita	67216	
Off. Dwain	Diehl	South Patrol	Wichita	07210	
Brenda	Dome-Luff	4654 S Washington	Wichita		
R W Van	Dyler Dyler	2657 S Santa Fe	Wichita		
Margaret	Ferrell	2609 S Santa Fe	Wichita		
Joe K & Gloria		155 N Quentin	Wichita		
Sherry	German	4654 Lulu	Wichita	67216	
Amanda	Gillock	2733 S Santa Fe	Wichita	07210	
Mark	Goehring	2715 S Santa Fe	Wichita		
Jesse	Gonzales	4519 S Lulu	Wichita	67216	
Steve	Gray	1205 E 43rd St South	Wichita	07210	
Patsy Jo	Halsey Trust	4655 Lulu	Wichita	67216	
David C	Halsey-trustee	4655 Lulu	Wichita	67216	
Joann	Hartig	1756 S Main	Wichita	07210	
Rev. Fred	Hayes, Jr	602 E. Wassall	Wichita		
Cindy &	114,05,01	002 Zi. Wassaii	, , Tollica		
Richard	Hill	4555 S Laura	Wichita		
Tommy &		1000 B Laura	, , Tollica		
Lynn	Hill	4500 S Pattie	Wichita		
Kathy & Clint	Hobb	2703 S. Santa Fe	Wichita	67216	
Bill	Hobbs	4435 S Hydraulic	Wichita	67216	
Bob	Hohl	2905 Dunham	Wichita		
Wilma & Ted	Hull	1232 El Monte	Wichita		
Keith	Hyson	4645 S Victoria	Wichita		
Elena	Ingle	3608 Meadow Lane	Wichita		
B.B.	Kaplan	430 N Market	Wichita		
Ted	Keehn	1329 Bluffview	Wichita		
Jim	Kerschen	4100 Wilma	Wichita	67218	
Tom	Kessler	4429 S Washington Ct	Wichita		
Chandra	Kotlarchick	2475 S Mead	Wichita	67216	
Kerri	Kuhlman	4630 Lulu	Wichita		
Devon	Kuhlman	4630 Lulu	Wichita		
G	Kurt	4435 S Laura	Wichita		
Angee	MacMurray	2569 S Mead	Wichita		
Doris	Mason	Dunham	Wichita		
Juanita	McCune	3500 E Craig	Wichita		
Bob	McCune	3500 E Craig	Wichita		
Donald D	Mehl	2609 S Mead	Wichita		
Off. Virgil	Miller	South Patrol	Wichita		
Cheryl	Moody	3312 Butler	Wichita		
Annette	Mapes		Wichita		
	Newell	3547 S Clifton	Wichita		
Cheryl	Persinger	4531 Lulu	Wichita	67216	
Pat	Pickard	Dunham	Wichita		
Janeen	Potter	4656 S Laura	Wichita		
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Canalan	Dunatan	2557 C Mand	Wi abita	67216
Carolyn	Preston	2557 S Mead	Wichita	67216
Wesley	Provines	1601 E 45th St S	Wichita	67216
Artis	Ray	4699 S Washington	Wichita	-501
A	Roeder	2503 S Mead	Wichita	67216
Wilbur	Roeder	2563 S Mead	Wichita	67216
Dan	Rush	2408 S Mead	Wichita	
Don	Schmidt	4719 Ida	Wichita	
Tom	Schwartz	1407 E 43rd St South	Wichita	67216
Jerry	Scott	2833 S Santa Fe	Wichita	67216
Marvin	Sisk Jr.	1320 E 45st St S	Wichita	67216
Robert	Snyder	3620 Sunnybrook	Wichita	
Thelma Klein	Sparks	2903 Dunham	Wichita	
Larry	Stowl	1400 E 44th St South	Wichita	
Betty C	Strickland	1302 Galena	Wichita	
Melody	Stucky	2756 Mason	Wichita	
Mike & Kim	Thomas	2828 S Santa Fe	Wichita	67216
Leroy &				
Phyllis	Tucker	2809 S Santa Fe	Wichita	67216
Robert	Tucker	1401 E 45th St South	Wichita	
Bill & Cilia	Turner	2838 S Santa Fe	Wichita	67216
Marie	Turner	4717 Victoria	Wichita	67216
Abraham	Weiner	654 Wassall	Wichita	
Jean E	Wikle	3330 Crystal St	Wichita	
Aarrell	Williams	4453 S Washington Ct.	Wichita	
Brian &		8		
Pympna	Williamson	2675 S Santa Fe	Wichita	67216
Randy	Williamson	2541 S Mead	Wichita	
Lonny G	Wright	2320 Alameda	Wichita	
Barbara	Y	4519 S Laura	Wichita	
Farmer C	Young	4630 S Washington	Wichita	
Ruby	Yovel	4630 S Washington	Wichita	
Off. Jeff	Andres	South Patrol	10111111	
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